REMARKS

I.   STATUS OF THE CLAIMS

In the Office Action mailed January 28, 2008, the Examiner noted that claims 1-28 were pending and rejected claims 1-28. Claims 1, 5, 7-11, 15, 17.21, 25, 27 and 28 have been amended, claims 4, 14 and 24 have been canceled without prejudice or disclaimer, no new claim has been added; and, thus, in view of the foregoing claims 1-3, 6-13, 15-23 and 25-28 remain pending for reconsideration which is requested.

Support for the amendments to the claims 1, 5, 7-11, 15, 17-21, 25, and 27-28 is provided, for example, in Fig, 9, page 12, line 21 to page 13, line 20, and page 24, lines 5-22 of the application.

No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

II.   REJECTION OF CLAIMS 1.28 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY SIKORA ET AL (US PATENT 6,449,646)

In the Office Action, at page 2, the Examiner rejected claims 1-28 under 35 U.S.C, §102(e) as being anticipated by Sikora at al. (US Patent 6,449,646), Reconsideration of the rejection is respectfully requested in view of the amendments to the claims.

Sikora et al. is related to an allocation of transaction conducted using a variety of media (or protocols) between a source to a resource capable of processing the transaction request (see col. 1, lines 8-12, of Sikora et al.).

However, it is submitted that claim 1 is patentable over Sikora et al., as Sikora et al. fails to disclose, either expressly or inherently, at least the features of claim 1, as recited below:

> a standby time estimating unit that estimates, when it is decided that none of the operators are standby, based on the status information, a plurality of standby times each of which is a time showing when each of the operators is going to become standby again; and

> an operator selecting unit that selects, before any of the operators becomes standby, an operator whose length of standby time estimated is smaller than a predetermined constant as an operator who can be going to process the new transaction

(claim 1, lines 8-14).

> Particularly, Sikora et al. describes

> [a] method 220 of allocating a transaction to a resource commences at step 222 when resource capacity becomes available to service the relevant transaction

message. For example, the resource may become available when an agent that
forms part of the resource becomes available. The availability of an agent may be
detected by the ACD 20, which recognizes when an agent concludes a
transaction

(see col. 9, lines 44-50, of Sikora et al.).

Further, Sikora at al. describes:

At 262, the queue engine queues the transaction in an appropriate queue by
constructing an entry in the appropriate queue utilizing information contained in
the queue request, and then waits for the next agent to become available. At step
264, agent become available, whereafter the ACD 20 notifies the queue engine
44 of the agent's availability at 266. At 266, the queue engine 44 determines
whether the available agent should properly service the e-mail transaction. If the
determination is positive, the queue engine 44 reserves the agent at 270

(see col. 11, lines 11-20, of Sikora et al.). Stated another way, Sikora et al. describes that the

queue engine 44 waits for the next agent to become available and reserves the available agent

should the available agent properly service the e-mail transaction.

Therefore, Sikora et al. does not disclose, either expressly or inherently, at least the

feature of an operator selecting unit "select[ing], before any of the operators becomes standby,

... an operator who can be going to process the new transaction" but instead the queue engine

44, as described in Sikora et al., waits for the next agent to become available and reserves the

available agent, as mentioned above.

Thus, in view of the foregoing, the Applicant respectfully submits that independent claim

1, as amended, is not anticipated by Sikora et al.

Claim 11, as amended, recites

estimating, based on the status information, a plurality of standby times each of
which is a time showing when each of the operators is going to become standby
again, when it is decided at the deciding that none of the operators are standby;
and

selecting, before any of the operators becomes standby, an operator whose
length of standby time estimated is smaller than a predetermined constant as an
operator who can be going to process the new transaction

(claim 11, lines 8-14). Therefore, it is submitted that claim 11 is patentable over Sikora et al. for

reasons similar to those discussed above with respect to claim 1.

Claim 21, as amended, recites

estimating, based on the status information, a plurality of standby times each of
which is a time showing when each of the operators is going to become standby
again, when it is decided at the deciding that none of the operators are standby;

selecting, before any of the operators becomes standby, an operator whose
length of standby time estimated is smaller than a predetermined constant as an

operator who can be going to process the new transaction (claim 21, lines 9-15). Therefore, it is submitted that claim 21 is patentable over Sikora et al. for reasons similar to those discussed above with respect to claim 1.

Thus, the Applicant respectfully submits that independent claims 11 and 21, as amended, are not anticipated by Sikora et al.

Independent claim 28 recites "selecting, before any of the operators becomes available an operator as the operator to process a new transaction based on the completion times" (claim 28, lines 4-5). Therefore, it is submitted that claim 28 is patentable over Sikora et al. for reasons similar to those discussed above with respect to claim 1.

Thus, the Applicant respectfully submits that independent claim 28, as amended, is not anticipated by Sikora at al.

The dependent claims 2-3, 5-10, 12-13, 15-20, 22-23, and 25-27 are also patentable over Sikora et al. for at least the same reasons as their respective base claims, from which they depend.

Accordingly, withdrawal of the rejection is respectfully requested.

III.   SUMMARY

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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